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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shinji HAMADA et al.

Group Art Unit: 1745

Appl. No. : 09/614,769

Examiner: J. MAPLES

Filed : July 12, 2000

#7
1/4/02
MW



BATTERY MODULE, AND RECHARGEABLE BATTERY FOR
CONSTITUTING THE BATTERY MODULE

ELECTION WITH TRAVERSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED

DEC 28 2001

TC 1700

Sir:

In response to the Official Action dated November 27, 2001, in which a one-month shortened statutory period for response was set to expire on December 27, 2001, Applicants hereby elect Invention I comprising claims 1-9. The above election is made with traverse for the reasons set forth below.

REMARKS

Claims 1-11 remain pending in the application.

In the Restriction Requirement, the claims were restricted to the two inventions defined as follows.

I Claims 1-9, drawn to a rechargeable battery, classified in class 429, subclass 163

II Claims 10-11, drawn to a battery module, classified in class 429, subclass 156.

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Upon entry of the present paper, Applicants will have elected, with traverse, Invention I comprising claims 1-9.

Applicants respectfully traverse the above Restriction Requirement and submit that it is inappropriate.

Applicants respectfully request that each of the claims be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. § 803. That is, the Examiner is respectfully requested to reconsider his requirement and find that there would not appear to be "a serious burden" on the office in also examining the claims directed toward the non-elected invention, which would otherwise be withdrawn from consideration if the election requirement is maintained.

Applicants respectfully submit, that in spite of the Examiner's restriction analysis, the non-elected claims should be examined in the instant application for the following reasons. It would appear that the search for the inventions identified by the Examiner would be coextensive, or at least have significant overlap. For example, independent claim 1 (as well as all remaining claims , thereby constituting the entire group) of Group I shares common subject matter with independent claim 10 (and dependent claim 11, thus constituting the entire group) of Group II. Specifically, claims 1 and 10 (and all pending claims of both groups) are each drawn to a prismatic cell case having short lateral walls and long lateral walls, as well as a group of electrodes inside a cell case including a positive electrode

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collector plate and a negative electrode collector plate. Thus, as the search for the claims of Groups I and II are coextensive, Applicants respectfully request that all the claims of these Groups be examined together.

Because the search for Groups I and II would be coextensive, there would be no serious burden on the Examiner to examine all of the claims of this application. For this reason, consistent with office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Election Requirement. For the foregoing reasons, the Election Requirement in this application is believed improper and it is respectfully submitted that it be reconsidered and withdrawn.

Nevertheless, in order to be fully responsive, Applicants have elected to traverse the invention disclosed in Group I comprising claims 1-9, in the event that the Examiner chooses not to reconsider and withdrawal the Restriction Requirement.

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Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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December 27, 2001
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